IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 584 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRATAP MANGALBHAI - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

THROUGH JAIL for Applicant(s) : 1,
MR.KT DAVE APP for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 21/04/2006

ORAL JUDGMENT

1.Present is the application received through jail. The petitioner-convict has stated that he has applied for furlough leave. It is alleged in the application that the other side being very influential they do not allow the police authorities to submit a favourable opinion;

that they are threatening the family members of the petitioner-convict with the dire consequences.

2. The petitioner is convicted in Sessions Case No.138 of 2002 for life imprisonment and fine of Rs.250/- and in default 15 days further imprisonment by judgment and order dated 11.09.2002. So far the petitioner-convict has not enjoyed any parole/furlough. The authorities, when approached with a prayer to grant furlough leave, the surety whose name was mentioned by the petitioner-convict, refused to be the surety of the petitioner-convict. Even earlier, in Special Criminal Application No.1602 of 2005, this Court had observed that, “It will be open for the petitioner to have any other surety who is ready to give surety for petitioner.” It appears that the petitioner-convict is not able to arrange for a surety who is willing to be the surety of the petitioner-convict. Until the petitioner-convict is able to arrange for a person, who is willing to be the surety of the petitioner-convict, his application cannot be considered.

3. In the event the petitioner-convict is able to arrange for a surety, who is willing to be the surety of the petitioner-convict, the request of the petitioner-

convict be considered for grant furlough leave. This application is disposed of. Rule is discharged.

(RAVI R.TRIPATHI,J.)

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